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Attorney for Plaintiff/Counter-Defendant  
ThermoLife International LLC

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ThermoLife International LLC, an  
Arizona limited liability company,  
  
Plaintiff/Counter-Defendant  
v.

<https://ronkramermusclebeach.wordpress.com/>, an Internet domain name;  
<https://ronkramermusclebeach.wordpress.com/author/musclebeachkramer/>, an  
Internet domain name.

Defendants.

Automatic Inc.

Intervenor/Counter-Claimant.

Case No. 5:15-cv-01616-HRL

**PLAINTIFF'S ANSWER TO  
AUTOMATTIC, INC.'S  
COUNTERCLAIM IN INTERVENTION**

*Assigned to the Hon. Howard R. Lloyd*

Plaintiff/Counter-Defendant ThermoLife International LLC ("ThermoLife") by and through its undersigned counsel, hereby answers Intervenor Automatic, Inc.'s Counterclaim in Intervention as set forth below.

1. This paragraph does not allege facts that ThermoLife can admit or deny.
2. ThermoLife admits the allegations of this paragraph.

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- 1           3.     ThermoLife admits the allegations of this paragraph.
- 2           4.     ThermoLife admits the allegations of this paragraph.
- 3           5.     ThermoLife admits the allegations of this paragraph.
- 4           6.     ThermoLife incorporates by this reference its prior admissions and denials
- 5 as if fully set forth herein.
- 6           7.     ThermoLife admits that it brings claims under ACPA, 15 U.S.C. § 1125(d).
- 7 The remaining allegations of this paragraph state a legal conclusion to which a response
- 8 is not required. Nonetheless, ThermoLife disagrees with the legal conclusions set forth in
- 9 this paragraph.
- 10          8.     ThermoLife admits that its claims assert that the Muscle Beach domains
- 11 wrongfully squat on ThermoLife's valuable intellectual property rights. The remaining
- 12 allegations of this paragraph state a legal conclusion to which a response is not required.
- 13          9.     The allegations of this paragraph state a legal conclusion to which a
- 14 response is not required.
- 15          10.    ThermoLife denies the allegations of this paragraph.
- 16         WHEREFORE, having fully answered Automattic Inc.'s Counterclaim,
- 17 ThermoLife prays for judgment as follows:
- 18         A.     That Automattic Inc. take nothing by reason of its Counterclaim;
- 19         B.     That judgment be entered dismissing Automattic Inc.'s Counterclaim;
- 20         C.     That the Court award ThermoLife its fees and costs pursuant to 15
- 21               U.S.C. § 1117(c) and all other applicable statutes and basis;
- 22         D.     For such other and further relief as the Court deems proper.

1 RESPECTFULLY SUBMITTED this 8th day of July, 2015.

2  
3 KERCSMAR & FELTUS PLLC

4 By: /s/ Gregory Collins

5 Gregory B. Collins

6 Eric B. Hull

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10 Santa Monica, CA 90401

11 *Attorneys for ThermoLife International LLC*

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**CERTIFICATE OF SERVICE**

I certify that on July 8, 2015, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following:

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/s/ Gregory Collins

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